

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

PUBLIC SERVICES - Commercial Taxes Department - Sri K. Dasaratham, formerly Commercial Tax Officer, Suryapet, Nalgonda District (now Retd.) - Demanded and accepted bribe - Trapped by ACB - Enquiry by Tribunal for Disciplinary Proceedings - Inquiry Report of Tribunal for Disciplinary Proceedings in TEC No. 5/2008 - Charge proved - Enquiry Report communicated to the Delinquent Officer - Explanation submitted - Penalty of withholding entire pension and Gratuity in full permanently Imposed - Orders - Issued.

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**REVENUE (VIGILANCE - I) DEPARTMENT**

**G.O.Ms.No. 405**

**Dated:25-06-2012.**

Read the following :

1. From the DG, ACB, Letter No.59/RCT-HND/2005/S-16, Dt.16.11.2005
2. From Sri K. Dasaratham, CTO (u/s), representation, Dt.16.12.2005.
3. Govt. Memo No.14421/Vig. I(1)/2005-1, Dt: 15.9.2006.
4. From the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad, Letter Dis. No. S/28/2010, Dt: 11.11.2010
5. Govt. Memo No.14421/Vig. I(1)/2005-5, Rev. (Vig. I) Dept. Dt: 6.12.2010.
6. From Sri K. Dasaratham, retired Commercial Tax Officer, representation, dated 28.12.2011.
7. Govt. Memo No.14421/Vig. I(1)/2005-8, Revenue (Vig. I) Department, Dated 16.3.2012.
8. From Sri K. Dasaratham, retired Commercial Tax Officer, representation, dt:16.5.2012.

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**ORDER:**

In the reference 1<sup>st</sup> read above, the Director General, Anti-Corruption Bureau furnished final report stating that Sri K. Dasaratham, Commercial Tax Officer, Suryapet, Nalgonda District was trapped on 25.3.2005 when he demanded and accepted an amount of Rs.20,000/- as illegal gratification from the complainant Sri Y. Brahman Goud, Suryapet for doing official favour. Hence, he recommended to launch prosecution against the Accused Officer.

2. In the reference 2<sup>nd</sup> read above, Sri K. Dasaratham, Commercial Tax Officer submitted his representation and the Government, after examination of the matter, decided to place the individual on his defence before the Tribunal for Disciplinary Proceedings. Accordingly, Sri K. Dasaratham, Commercial Tax Officer has been placed on his defence before the Tribunal for Disciplinary Proceedings to conduct inquiry into the allegation of corruption of bribe from the complainant and submit its report, vide reference 3<sup>rd</sup> read above.

3. In the reference 4<sup>th</sup> read above, the Tribunal for Disciplinary Proceedings, after conducting enquiry, furnished report in TEC No. 5/2008 against Sri K. Dasaratham, Commercial Tax Officer; wherein the Tribunal for Disciplinary Proceedings has held that the charge is proved.

4. In the reference 5<sup>th</sup> read above, a copy of the enquiry report in TEC No.5/2008 has been communicated to Sri K. Dasaratham, Commercial Tax Officer (Retd.) directing to him submit his representation on the finding of Tribunal for Disciplinary Proceedings, if any, for taking further action in the matter.

P.T.O.,

5. In the reference 6<sup>th</sup> read above, Sri K. Dasaratham, Commercial Tax Officer (Retd.) submitted representation stating that on the day of trap, when the Anti- Corruption Bureau questioned him, he had categorically denied on the spot itself about receiving of bribe amount from the complainant and the same was also recorded in the mediator's report-II. The complainant, in his statement, stated that "the Commercial Tax Officer directed to keep the amount by the side on the table, again in the steel Almyrah and finally asked to keep the amount in the Commercial Tax Officer's chamber's bathroom" and this shows that the complainant gave inconsistent statements; based on such inconsistent statements, the case was foisted against him. But the Presiding Officer (i.e., Chairman, Tribunal for Disciplinary Proceedings) failed to appreciate the evidence and concluded the report stating that the charge is proved against him. The observations of the learned presiding officer that "soon after the PW-1 left the bathroom, the Charged Officer went into the bathroom and changed the place of the tainted amount from one corner to another corner" are presumption without there being any evidence. The learned Tribunal for Disciplinary Proceedings has also failed to appreciate the factum that he was already retired on the day of order and requested to consider his representation sympathetically and reject the Tribunal for Disciplinary Proceedings report and to drop further action against him.

6. Government have examined the representation of the individual keeping in view the report of Tribunal for Disciplinary Proceedings and material available and observe that during the post trap proceedings, the complainant Sri Y. Brahmam Goud deposed that "he has been to O/o. the Commercial Tax Officer at about 12.00 noon on 25.3.2005 and met the Commercial Tax Officer and when he took out the tainted amount of Rs.20,000/- on the demand made by the Commercial Tax Officer and was about to hand over the same, the Commercial Tax Officer directed him to keep the bribe amount by the side of the table; again in the steel Almyrah and finally asked to keep the said amount in his chamber's bathroom and accordingly, he (complainant) kept the tainted amount on the bathroom ventilator". Hence the contention of the applicant that the complainant gave inconsistent statements is not tenable. It is also impossible to imagine that a private person could enter into the attached bathroom in the office chambers of the Commercial Tax Officer during the office hours, without the knowledge of the Commercial Tax Officer and have the nerve to place bribe money and foist a case against him. His another contention that the TDP has no jurisdiction to finalise the enquiry, since he retired from service; is not tenable since he was placed on his defence on 15.9.2006 and while pendency of the case, he retired from service on superannuation on 31.10.2008. Hence, the Tribunal for Disciplinary Proceedings have the jurisdiction to conduct enquiry against him and submit its report as per the rule 6 (1)(k) of the Tribunal for Disciplinary Proceedings Rules. Hence, Government have provisionally decided to impose the punishment of withholding entire pension and gratuity in full permanently on Sri K. Dasaratham, Commercial Tax Officer (Retired), as per rule 9 of A.P. Revised Pension Rules, 1980 read with Rule 7 of A.P. Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989, since the charge held proved against him. Accordingly, in the reference 7<sup>th</sup> read above, a show-cause notice was issued to the individual directing him to submit his representation on the above provisional decision.

7. In the reference 8<sup>th</sup> read above, Sri K. Dasaratham, Commercial Tax Officer (Retired) submitted his representation stating that there is no evidence of demand and acceptance of bribe by him from the complainant of Sri Y. Brahmam Goud. Moreover, the complainant categorically stated before the Tribunal for Disciplinary Proceedings that he neither demanded nor accepted the bribe amount and the tainted amount was not recovered from him and recovered

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from the ventilator in the bath room of the officers chambers. When the ACB party confronted him, he was not in the room and was in the Computer room. But the Tribunal for Disciplinary Proceedings without examining this aspect, gave findings that charge is proved against him. The observation's of the Government that "nobody will have the nerve to enter somebody's chamber" is presumptive and he has stated that for proving a charge, there has to be proper evidence of demand and acceptance of bribe; but the same are absent in his case. He has also stated that he filed two explanations dt: 28.12.2011 & 4.1.2012 before the Government; but in the show-cause notice issued to him, Government mentioned his representation dt: 28.12.2011 only and his 2<sup>nd</sup> representation dt:4.1.2012 was not mentioned and if the same was examined, the present show-cause notice dt:16.3.2012 would not have been issued. He has also stated that he retired from service on 31.10.2008 and the provisional pension only being paid and requested to drop proposed action and to release all pensionary benefits ie, pension and gratuity to him.

8. Government have examined the contentions of the individual that the tainted amount was recovered from the ventilator of the bathroom and observe that the complainant, during the post trap proceedings, has categorically stated that " he took out the tainted amount of Rs.20,000/- on the demand made by the Commercial Tax Officer and was about to hand over the same and that the Commercial Tax Officer directed him to keep the bribe amount by the side of the table; again in the steel Almyrah and finally asked to keep the said amount in his chambers bathroom' and accordingly, the complainant kept the tainted amount in the bathroom ventilator". The Delinquent Officer avoided physical contact of receiving the bribe amount from the complainant due to apprehension and as per his directions only, the complainant placed the amount in the ventilator of the bathroom. It is also impossible to imagine that a private person could enter the attached bathroom in the office chambers of the Commercial Tax Officer during the office hours, without the knowledge of the Commercial Tax Officer and have the nerve to place bribe money and foist a case against him. With regard to his contention that he filed two representations dt:28.12.20011 and also dt:4.1.2012; but the Government did not examine his 2<sup>nd</sup> representation; the contentions of the Delinquent Officer in both the representations are all most similar and the Tribunal for Disciplinary Proceedings, after examining all the material evidence, gave its findings that the charge is held proved against the Delinquent Officer. With regard to his contention that the complainant turned hostile and denied about his demand and acceptance of bribe; it is observed that though the complainant turned hostile at later stage (during the course of enquiry by the Tribunal for Disciplinary Proceedings), but the fact remains that the complainant filed petition dt: 24.3.2002 alleging the demand of bribe by the Delinquent Officer before the ACB for necessary action. The Tribunal for Disciplinary Proceedings has considered all the oral and documentary evidence and gave its findings by citing case laws that the charge is held proved. Hence, his contention that the findings of Tribunal for Disciplinary Proceedings are contrary is not correct. Government have therefore decided to confirm the provisional decision to impose the punishment of withholding entire pension and gratuity in full on Sri K. Dasratham, Commercial Tax Officer (Retired).

9. Government, after careful consideration and in exercise of the powers conferred under rule 9 of A.P. Revised Pension Rules, 1980 and as per Rule 7 of A.P. Civil Services (Disciplinary Proceedings Tribunal) Rules, 1980, hereby impose the penalty of withholding of entire pension and gratuity permanently on Sri K. Dasaratham, Commercial Tax Officer (Retired) for the corruption charge held proved.

P.T.O.,

10. The Commissioner of Commercial Taxes, A.P, Hyderabad shall take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ASUTOSH MISHRA  
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri K. Dasaratham, Commercial Tax Officer (Retd.)

through the Commissioner of Commercial Taxes, A.P, Hyderabad.

The Commissioner of Commercial Taxes, A.P, Hyderabad

(with a request to serve the orders on the individual and send the served copy with dated signature to Government)

Copy to:

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to V.C, A.P. Vigilance Commission, Hyderabad.

The Accountant General, A.P, Hyderabad.

The Director of Treasuries & Accounts, AP, Hyderabad.

PS to Principal Secretary to Govt., Revenue Department.

Revenue (CT.I) Department.

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//Forwarded :: By Order //

SECTION OFFICER.